

ALSCHULER GROSSMAN STEIN & KAHAN LLP  
ATTORNEYS AT LAW

DOMINIQUE N. THOMAS  
ATTORNEY AT LAW  
DTHOMAS@AGSK.COM  
Direct Dial: 310-255-9162  
Direct Fax: 310-907-2162

OUR FILE NUMBER  
05001-205477

August 1, 2006

BY EMAIL AND U.S. MAIL

Jeffrey R. Chanin, Esq  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111-1704

Re: *Netflix, Inc. v. Blockbuster, Inc.*  
U.S. District Court, N.D. Cal., Case No. C-06-2361 WHA

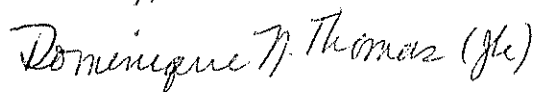
Dear Jeff,

We were surprised to receive the proposed First Amended Complaint that Netflix appears to have filed Wednesday night. We have checked the Court's docket and found no indication that Netflix received leave to file an amended complaint, as required by Rule 15 of the Federal Rules of Civil Procedure. Nor does the docket reflect any motion by Netflix for leave to file an amended complaint.

Frankly, we are concerned about Netflix's unexplained and unauthorized filing of an amended pleading. Our concern is increased by Netflix's two recent filings of amended preliminary infringement contentions in contravention of the Patent Local Rules. Patent Local Rule 3-7 expressly states that amendment or modifications of the Preliminary Infringement Contentions "may be made only by order of the Court, which shall be entered only by a showing of good cause." These events follow Netflix's scanty initial disclosures, the inadequacies of which we pointed out at the Case Management Conference.

Please let us know if you consider these three unauthorized filings to have legal force and, if so, why.

Sincerely,



Dominique N. Thomas

DNI,jlc

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THE WATER GARDEN

1620 26<sup>TH</sup> STREET • FOURTH FLOOR • NORTH TOWER • SANTA MONICA, CA 90404-4060  
TELEPHONE: 310-907-1000 • www.agsk.com • FACSIMILE: 310-907-2000